

UNITED STATES DISTRICT COURT
Of the
FIRST CIRCUIT

FILED
IN CLERKS OFFICE

2005 JAN 25 P 3:22

U.S. DISTRICT COURT
DISTRICT OF MASS

Norman Greenberg
Plaintiff

v.

Susan Elliot and Paul Arnold
Defendants

CIVIL ACTION NO. 03-12489 NG

**SECOND REQUEST FOR EXTENSION OF TIME FOR DELIVERY OF
SUMMONSES AND COPIES OF COMPLAINTS**


The plaintiff in this case has made two different attempts to have summonses and copies of complaints delivered to the defendants in this case by the United States Marshal's Service. The first attempt, giving a known address in southern California, was presented to the Marshal's Service on July 20, 2004. After repeated attempts to make delivery, the Marshal contacted the superintendent of their apartment and was told that, "though they pay rent, they are never there." A second attempt, giving a second known address in northern California, was presented to the Marshal's Service on December 17, 2004. This too failed with the Marshal learning that "the defendants are deliberately avoiding many people who are looking for them" and are "on the lam." In each case, the U.S. Marshal's Service was also given a U.S. Post Office Box where the defendants receive mail but presumably the defendants refused to sign the certified letters mailed to them. Copies of the second Process Receipts are enclosed.

The plaintiff has one more chance to get summonses and complaints presented to the defendants. There will be a scheduled hearing of a probate case involving the plaintiff and defendants on February 14, 2005, at the Marin County (California) Superior Court. The plaintiff plans to be there and believes the defendants also will be present. He has copies of the necessary papers. He would like, at that time, to ask the Judge presiding over that hearing to authorize someone (himself or a bailiff or other court officer) to hand the papers to the defendants at that time and then sign a statement verifying delivery. If

this doesn't work, the plaintiff will probably have to give up on this because the defendants are too practiced at being evasive.

While the extension of time granted on November 22, 2005 will have expired by the time this reaches the court, the plaintiff is aware that the judge has the discretion to grant another extension of time in light of the fact that the plaintiff has made a serious attempt to get summonses and complaints delivered; therefore, the plaintiff asks for one more extension of time.

Respectfully submitted,


Norman Greenberg
Plaintiff, Pro Se

P.O. Box 390062
Cambridge, MA 02139

617 834-4479

Date: January 20, 2005

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <u>NORMAN GREENBERG</u>		COURT CASE NUMBER <u>03-12489 NG</u>	
DEFENDANT <u>Susan Elliot & Paul Arnold</u>		TYPE OF PROCESS <u>COMPLAINT</u>	
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <u>Susan Elliot</u>		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <u>510 KMC, INC. Paradise Cay Yacht Harbor, 101 TAYLOR DR. Belvedere Tiburon, CA 94920 OR P.O. Box 436, San Anselmo, CA 94963</u>		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	<u>1</u>
<u>Norman Greenberg P.O. Box 390062 Cambridge, MA 02139</u>		Number of parties to be served in this case	<u>2</u>
		Check for service on U.S.A.	<u>6419</u>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

TELEPHONE NO. FOR KMC, INC. IS 415 435-1652
 AUCTION REALTY IS A CONNECTED BUSINESS AT THE SAME address and telephone number.
 STREET ADDRESS AND P.O. BOX ADDRESS IN SAME AREA IS GIVEN AS

Signature of Attorney or other Originator requesting service on behalf of: <u>Norman Greenberg</u>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <u>617 834-4479</u>	DATE <u>Dec. 17, 2003</u>
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>38</u>	District to Serve No. <u>11</u>	Signature of Authorized USMS Deputy or Clerk <u>Robert J. Stewart</u>	Date <u>12/17/03</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

➔ RAN A WANTS CHECK - NO NEW ADDRESS.
 DEFENDANTS SOLD BOAT THAT THEY LIVED ON.
 CHECKED POST OFFICE - NO NEW ADDRESS BRS

Date of Service

Time

an

pn

Signature of U.S. Marshal or Deputy

B. STEWART

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: TRIED NUMEROUS TIMES AROUND THE BAY AREA AND AS FAR UP SACRAMENTO. DEFENDANT AND PARTNER ARE DELIBERATELY AVOIDING MANY PEOPLE WHO ARE LOOKING FOR THEM. LEFT CARDS WITH SEVERAL PLACES SEVERAL TIMES BUT STILL NO RESPONSE. WAS TOLD DEFENDANTS WERE "ON THE LAM" BECAUSE THEY OWED A LOT OF PEOPLE A LOT OF MONEY. THEREFORE, UNABLE TO LOCATE. B. STEWART

NOTE

PRIOR EDITIONS
MAY BE USED

3. NOTICE OF SERVICE

FORM USM-285 (Rev. 12/15/80)

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <i>Norman Greenberg</i>		COURT CASE NUMBER <i>03-12489 NG</i>	
DEFENDANT <i>Susan Elliot & PAUL ARNOLD</i>		TYPE OF PROCESS <i>COMPLAINT</i>	
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <i>PAUL ARNOLD</i>		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>40 KMC, Inc., Paradise Cay Yacht Harbor 101 Trinidad DC, Belvedere Tiburon, CA 94925 OR P.O. Box 486, San Anselmo, CA 94068</i>		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	<i>1</i>
<div style="border: 1px solid black; padding: 5px;"> <i>Norman Greenberg P.O. Box 390062 Cambridge, MA 02139</i> </div>		Number of parties to be served in this case	<i>2</i>
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

TELEPHONE NO FOR KMC, Inc., and an associated BUSINESS (ANCHOR REALTY) IS 415 435-1652.
STREET ADDRESS AND P.O. ADDRESS IN JANE AREA IS GIVEN ABOVE.

Signature of Attorney or other Originator requesting service on behalf of: *Norman Greenberg* ☒ PLAINTIFF ☐ DEFENDANT
TELEPHONE NUMBER *617 834-4479* DATE *Dec. 17, 2003*

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>11</i>	Signature of Authorized USMS Deputy or Clerk <i>Harry Salazar</i>	Date <i>12/17/03</i>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above) <i>CHECKED POST OFFICE ETC. NO NEW ADDRESS RAN A WANTS CHECK... DEFENDANTS SEND BOAT THEY LIVED ON.</i>	Date of Service <i>02/03/04</i>
	Time am pm
	Signature of U.S. Marshal or Deputy <i>B. Stewart</i>

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: *TRIED NUMEROUS TIMES AROUND THE BAY AREA. DEFENDANT AND PARTNER ARE DELIBERATELY AVOIDING MANY PEOPLE WHO ARE LOOKING FOR THEM. LEFT CARDS SEVERAL TIMES WITH SEVERAL PEOPLE BUT STILL NO RESPONSE. WAS TOLD DEFENDANTS ARE "ON THE LAM" THEREFORE, UNABLE TO LOCATE.*

PRIOR EDITIONS
MAY BE USED**3. NOTICE OF SERVICE**

FORM USM-285 (Rev. 12/15/80)